

**Before the State of South Carolina
Department of Insurance**

In the matter of:

Charles Harry Shaw
110 Peachtree Road
Walterboro, S.C. 29488.

SCDOI File Number: 127196.

**Consent Order
Imposing Administrative Penalty As
Precondition to Remain Licensed**

This matter comes before me pursuant to an agreement entered into, between the State of South Carolina Department of Insurance and the above named respondent, a licensed resident insurance producer.

Upon review of this matter, I hereby find as fact, that Charles H. Shaw, while licensed to do business as a resident insurance producer within the State of South Carolina, did fail to remit premiums to the Insurer, collected from customers. The respondent acknowledges this allegation and contends this failure resulted from inadvertence and oversight and not from any intent to avoid the requirements of the Law. Nevertheless, this type of action can ultimately lead to the revocation of his licensing privileges to transact the business of insurance as a resident producer in South Carolina, following a public hearing at the Administrative Law Court, pursuant to S.C. Code of Administrative Laws §38-43-130.

Prior to the initiation of any administrative proceedings by the Department against him, Mr. Shaw and the Department agreed that, rather than to proceed toward a formal public hearing, they would submit the entire matter to me, along with their specific recommendations, so that I could form my summary decision based solely on the record. The mutual recommendation was that the Department would allow Charles Shaw, to remain licensed, upon the submission of an administrative penalty in the amount of \$350.00 dollars.

Code section 38-43-130 also allows the Director to impose a financial penalty in lieu of denial, revocation or suspension of a license. Therefore, under the discretionary authority provided to me within S.C. Code Ann. § 38-43-130(Supp.2005), and after carefully considering the recommendation of the parties, I hereby conclude that the appropriate sanction against Charles Shaw is an administrative penalty in the amount of \$350.00 dollars.

The parties have reached this agreement through negotiation and compromise and in consideration of Mr. Shaw's assurances that in the future will comply with the State's Insurance Laws. It is further agreed by the parties that the total amount of the administrative penalty must, pursuant to the provisions of S.C. Code Ann. § 38-43-130 (Supp.2005), be paid within fifteen (15) days from the date of receipt of this consent order. If the whole penalty amount is not properly paid on or before that date, the respondent's license to operate as a resident insurance producer will be

irrevocably revoked without further administrative proceedings. The parties expressly agree and understand Mr. Shaw's payment of the agreed-upon penalty constitutes full accord and satisfaction of this matter.

By his signature upon this consent order, Charles H. Shaw acknowledges that he understands this consent order is a public record subject to the disclosure requirements of the State of South Carolina's *Freedom of Information Act*, S.C. Code Ann. §§ 30-4-10, *et seq.* (1991 and Supp. 2005).

Nothing contained within this administrative disciplinary order should be construed to limit, or to deprive any person of any private right of action under the law. Nothing contained within this administrative disciplinary order should be construed to limit, in any manner, the criminal jurisdiction of any law enforcement officer or judicial officer. Nothing contained within this administrative order should be construed to limit the statutory duty of the Director, exercised either directly or through the Department, to "report to the Attorney General or other appropriate law enforcement officials criminal violations of the laws relative to the business of insurance or the provisions of this title which he considers necessary to report." S.C. Code Ann. § 38-3-110(3) (Supp. 2005).

It is, therefore, ordered that, within fifteen days from receipt of this order, Charles Harry Shaw shall pay through the Department an administrative penalty in the total amount of \$350.00 dollars.

It is further ordered that a copy of this consent order be immediately transmitted to the National Association of Insurance Commissioners for its distribution to its member states and a copy be placed in the respondents' licensing file.

This order takes effect upon the date of my signature below.

A handwritten signature in black ink, appearing to read "Eleanor Kitzman".

Eleanor Kitzman
Director of Insurance

Feb 22, 2006, at
Columbia, South Carolina

I CONSENT TO THE ABOVE:

Name: Charles H. Shaw

Charles H. Shaw
Signature

Title: Producer

Address: 110 Peachtree Rd
Walterboro SC 29488

Dated this 16 day of Feb. , 2006.